

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:04CR204
	)	
V.	)	
	)	
GARY DEAN GOCHENOUR,	)	ORDER
	)	
Defendant.	)	

The defendant has objected to that portion of my tentative findings that states that I will give the advisory Guidelines substantial weight and depart or vary from the advisory Guidelines only when there is a plainly superior, principled reason which justifies a sentence different than that called for by the application of the advisory Guidelines. Counsel calls my attention to two cases currently pending before the Supreme Court.

Suffice it to state that the cases now pending before the Supreme Court do not directly relate to the procedure announced in my tentative findings. In addition, I continue to believe that the approach outlined in my tentative findings is fully consistent with both of the majority opinions in the Booker case. Therefore,

IT IS ORDERED that the objections to tentative findings (filing 88) are denied.

January 29, 2007.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge